

10/030619

Atty's Dkt. TAKAHASHI30

DT05 Rec'd PCT/PTO

21 OCT 2002

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Application Division  
 Kojiro TAKAHASHI ) ATTN: PCT  
 Serial No.: 10/030,619 ) Washington, D.C.  
 IA Filing Date: May 10, 2002 ) Date: October 21, 2002  
 For: METHODS FOR CONSTRUCTING DNA LIBRARY IMMOBILIZED THEREON

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC  
371

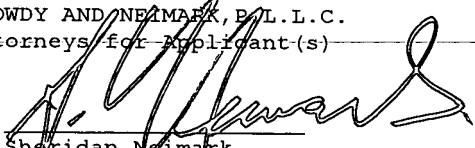
HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated August 19, 2002.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, priority information, and PCT information.
- [ ] Applicant claims small entity status. See CR 1.27.
- [ ] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. '1.821-1.825, Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
- [XX] An Information Disclosure Statement with 1449 and 4 references is also attached.
- [ ] A Preliminary Amendment
- [ ] An exact English language translation of the PCT application as originally filed.
- [XX] Response to Notification of Missing Requirements.
- [ ] Surcharge for late filing of English translation \$ 130.00
- [XX] Surcharge for late filing of the Declaration was paid on January 11, 2002.
- [ ] Surcharge for late filing of the Declaration in the amount of:
- |              |                         |
|--------------|-------------------------|
| Small Entity | Other than Small Entity |
| [ ] \$65.00  | [ ] \$130.00            |
- [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
- |                             |                             |
|-----------------------------|-----------------------------|
| Small Entity                | Other Than Small Entity     |
| Response Filed Within       | Response Filed Within       |
| [ ] First - \$ 55.00        | [ ] First - \$ 110.00       |
| [ ] Second - \$ 200.00      | [ ] Second - \$ 400.00      |
| [ ] Third - \$ 460.00       | [ ] Third - \$ 920.00       |
| [ ] Fourth - \$ 720.00      | [ ] Fourth - \$1,440.00     |
| [ ] Fifth - \$ 980.00       | [ ] Fifth - \$1,960.00      |
| Month After Time Period Set | Month After Time Period Set |
- [XX] Conditional Petition for Extension of Time:  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$280.00 is enclosed to cover the multiple dependent claims surcharge.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEWMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:   
 Sheridan Newmark  
 Registration No. 20,520

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10/030619

Rec'd PCT/PTO 21 OCT 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit:
TAKAHASHI et al.	)	
	)	
IA No.: PCT/JP00/03000	)	
	)	Washington, D.C.
IA Filed: May 10, 2000	)	
	)	Confirmation No.: 8322
U.S. App. No.: 10/030,619	)	
	)	
	)	October 21, 2002
National Filing Date:	)	
(Not Yet Received)	)	
	)	
For: METHODS FOR CONSTRUCTING...	)	Docket No.: TAKAHASHI=30

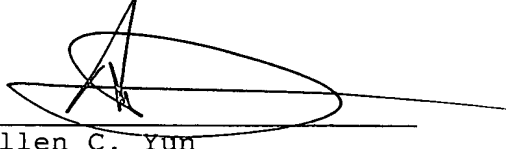
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Contrary to the reason given for the requirement to furnish a "Sequence Listing" in paper copy and CRF form, it is submitted that there is no nucleotide and/or amino acid sequence disclosure contained in the application that does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825. No sequences are presented in the text of the specification. The only sequences appearing in the application are found in the drawings. However, in accordance with 37 CFR 1.821, because none of the nucleotide sequences in the drawings are sequences of ten or more nucleotides, there is no requirement to present these nucleotide sequences in a "Sequence Listing".

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.

By:   
Allen C. Yun  
Registration No. 37,971

ACY:pp

Telephone No.: (202) 628-5197

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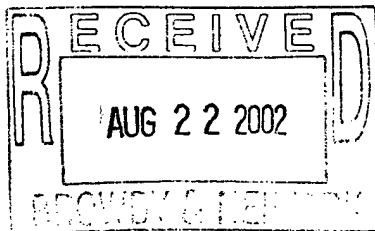


## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

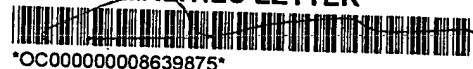
U.S. APPLICATION NUMBER NO. 10/030,619	FIRST NAMED APPLICANT Kojiro Takahashi	ATTY. DOCKET NO. TAKAHASHI30
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Browdy and Neimark  
624 Ninth Street N W  
Suite 300  
Washington, DC 20001



INTERNATIONAL APPLICATION NO. PCT/JP00/03000	
I.A. FILING DATE 05/10/2000	PRIORITY DATE 05/10/1999

CONFIRMATION NO. 8322  
371 FORMALITIES LETTER



\*OC00000008639875\*

Date Mailed: 08/19/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Preliminary Amendments
- Request for Immediate Examination

SEQ/MSP = 19 OCT 2002  
DET 8.22.02

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)
- Additional claim fees of \$280 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$280** for a Large Entity:

- Total additional claim fee(s) for this application is **\$280**
  - **\$280** for multiple dependant claims surcharge.
- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/030,619	PCT/JP00/03000	TAKAHASHI30

FORM PCT/DO/EO/905 (371 Formalities Notice)